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IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Ted Earl Severeid, III,

Defendant.

4:21-cr-02308-DLR

DEFENDANT'S SENTENCING
 MEMORANDUM

Defendant Severeid, through counsel, submits the following memorandum to assist the Court at time of sentencing.

Introduction

At first glance, Ted Severeid seems a misogynistic, violent threat to the well-being of whatever community that is forced to endure him. A closer look, however, reveals a man beset by mental illness and a horrific childhood who is taking positive steps to address his demons and conform his behavior to societal norms.

Ted Severeid's Pre-Incarceration History

At the age of five, Ted Severeid first became the victim of sexual abuse by his aunt—abuse that continued for the next eight years as Ted sought refuge in his aunt's house. While Ted objected to the abuse, it was the lesser of the two evils Ted had to face as a child—at his mother's home, he was beaten almost every day. When he was eleven years old, Ted's mother pushed him down the stairs, resulting in a broken leg.

Exactly when Ted transitioned into being a ward of the state is uncertain. The

1 presentence reports—from this case and others—reveal that Ted was committed to a mental
2 hospital when he was nine years old after he tried to kill himself. Ted reports two other
3 involuntary commitments while he was a child.

4 One presentence report documents a history of juvenile probation with several stints at
5 unnamed treatment facilities. By the time he was fifteen, and was convicted of the crime
6 reported in ¶ 23 of the presentence report, he was already in a juvenile training facility, a.k.a.,
7 reform school. He has been in custody ever since.

8 Mental Health

9 Ted Severeid suffers from bipolar disorder. He has also been diagnosed with borderline
10 personality disorder and associated antisocial and conduct problems. For his mental health, he
11 takes the prescription medicines Haldol and Tegratol. He recognizes the importance of taking
12 his medication as prescribed and is committed to following his psychiatrist's orders.

13 What may be more telling than Ted's acceptance of the medical component of his mental
14 health treatment is his adherence to the behavior modification recommendation. Ted writes
15 frankly and openly in a journal every day and records his feelings and thoughts. While he has
16 limited contact with a psychologist during his presentence incarceration, having his journal
17 entries reviewed just once a week, he anticipates the intensity of his treatment will be increased
18 when he returns to the Iowa Department of Corrections to finish his sentence there.

19 Ted knows he has to change if he wants to avoid spending the rest of his life in prison.
20 He understands he was dealt a bad hand but can not continue to blame others and the past for his
21 present-day conduct. He is taking affirmative steps to know himself and moderate his behavior.

22 The Offense

23 There is no question that a threat to rape and sodomize a district court judge is a
24 reprehensible crime. Nonetheless, there are three mitigating circumstances: 1) the letter was
25 intercepted and never delivered to the intended recipient; 2) writing out an angry, violent and
26 hateful fantasy is a huge step away from Ted Severeid's history of physically acting on his
27 impulses; and 3) Ted recognizes and accepts that this crime was prompted by a relapse of his

1 bipolar disorder and has become more diligent in his treatment participation and more aware of
2 warning signs and how to deal with them.

3 Some Subjective Notes

4 Counsel informs the Court that Ted Severeid has always been polite and respectful, as
5 well as aware of his mental and emotional shortcomings and the problems fostered by his history
6 and illness. He is thoughtful, troubled and remorseful. In the acquaintance of several years,
7 counsel has observed positive changes—indeed, an awakening—in Ted Severeid.

8 18 U.S.C. § 3553 Factors

9 The §3553 factors apply only in a limited way as Ted Severeid will be incarcerated in his
10 Iowa case for another five years followed by a 36-month federal sentence. Thus, the public is
11 protected for another eight years already. Also, the concept of prison as specific deterrence is
12 inapplicable, as Severeid's criminal history took place within prison.

13 Mr. Severeid needs additional treatment. He is getting treatment in prison, but the same
14 or superior treatment could be afforded him as a condition of supervised release. He respects
15 the law, but has found himself powerless to conform his conduct to reflect that respect. Finally,
16 the Court must weigh deterrence with the history and characteristics of the defendant. When
17 one, as Ted Severeid, finds his behavior so strongly influenced by mental illness, the length of
18 a prison sentence loses value as deterrence, either to Mr Severeid or the public.

19 Conclusion

20 The plea agreement specifies the government will recommend a sentence within the
21 advisory guideline range, i.e., 37 - 46 months. There is no agreement that the sentence will be
22 consecutive to or concurrent with any other sentence Mr. Severeid is serving.

23 It is time to allow Ted Severeid to see some light at the end of this long tunnel of
24 imprisonment. A victim of abuse and mental illness, a man who has been locked-up since he
25 was a child, Mr. Severeid is doing his part to extricate himself from this fearsome merry-go-
26 round of crime and punishment. It is still, for Severeid, two steps forward and one step back.

27 Counsel agrees with the presentence report that a sentence of 41 months suits the crime
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1 and the offender and asks that it be concurrent with the 36-month federal sentence that is
2 awaiting Ted Severeid when he finishes his Iowa sentence.

3 Dated November 29, 2022.

4 s/ T.S. Hartzell
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6 Attorney for Ted E. Severeid, III
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